

Unauthorized Childhood Arrivals: Legislative Options

September 14, 2017

In 2012, the Department of Homeland Security (DHS) began granting deferred action through the [Deferred Action for Childhood Arrivals \(DACA\) program](#) to certain individuals without lawful immigration status who had arrived in the United States as children and met other requirements. The requirements included initial entry into the United States before age 16, continuous U.S. residence since June 15, 2007, and being under age 31 as of June 15, 2012. [Deferred action](#) provides protection against removal from the United States. Individuals granted deferred action also may receive work authorization. Initial grants of deferred action under DACA were for two years and could be renewed in two-year increments. As of March 31, 2017, DHS had approved [787,580 initial requests](#) for DACA from applicants residing in all 50 states, the District of Columbia, and several U.S. territories.

On September 5, 2017, the Trump Administration [announced plans](#) to terminate the DACA program. In a [memorandum](#) issued the same day, DHS explained that DACA would be phased out and that beneficiaries whose grants of deferred action were set to expire after March 5, 2018, would not be able to request a renewal. As a result, under the Administration's plan, a beneficiary whose period of deferred action expires after March 5, 2018, will lose DACA protection on the expiration date. (For additional information, see CRS Report R44764, *Deferred Action for Childhood Arrivals (DACA): Frequently Asked Questions*, and CRS Legal Sidebar WSLG1871, *The End of the Deferred Action for Childhood Arrivals Program: Some Immediate Takeaways*.)

Bills Providing Temporary Protection from Removal

A number of bills have been introduced in the 115th Congress to provide immigration relief to DACA beneficiaries and certain other unauthorized aliens who arrived in the United States as children (sometimes referred to as unauthorized childhood arrivals). Some of these bills—such as the Securing Active and Fair Enforcement Act (SAFE) Act (S. 127) and the Bar Removal of Individuals who Dream and Grow our Economy Act (BRIDGE) Act (S. 128/H.R. 496)—would establish a new form of temporary protection from removal termed “provisional protected presence” (PPP). The eligibility requirements under S. 127 and S. 128/H.R. 496 for PPP, which are similar to those for DACA, would include that the individual was born after June 15, 1981; initially entered the United States before age 16; was physically and unlawfully present in the United States on June 15, 2012; and had continuously resided in the United States since June 15, 2007. Like the DACA initiative, these bills also would require prospective beneficiaries to satisfy educational requirements (which would include being enrolled in school, or having a high school diploma or general education development certificate) or to have been honorably discharged from the U.S. Armed Forces or the U.S. Coast Guard.

Under these bills, DHS would provide successful applicants with employment authorization and would not remove them from the United States during the period of PPP. An individual's period of PPP and employment authorization would be in effect until three years after the date of the bill's enactment.

Bills Providing Pathways to Lawful Permanent Residence

A second set of bills introduced in the 115th Congress would provide certain unauthorized childhood arrivals with pathways to lawful permanent resident (LPR) status. One of these bills, the Encourage New Legalized Immigrants to Start Training (ENLIST) Act (H.R. 60), would enable eligible individuals to become LPRs through military service. The bill would make eligible for enlistment in the U.S. Armed Forces and the U.S. Coast Guard individuals who initially entered the United States before age 15; were unlawfully present in the United States on December 31, 2012; have been continuously present in the United States since December 31, 2012; and are otherwise eligible for original enlistment. The bill would direct DHS to grant LPR status to any such individuals who enlist in a regular component of the Army, Navy, Air Force, Marine Corps, or Coast Guard.

Other bills introduced in the 115th Congress would provide additional pathways to LPR status for eligible unauthorized childhood arrivals. Among these bills are

- Recognizing America's Children Act (H.R. 1468);
- Dream Act of 2017 (S. 1615/H.R. 3440); and
- American Hope Act of 2017 (H.R. 3591).

Although there are many differences among these proposals, they share certain basic elements. All three would enable unauthorized childhood arrivals who meet a set of requirements to obtain permanent resident status on a conditional basis and then, upon meeting additional requirements, have the condition on their status removed and become full-fledged LPRs. The table below compares selected provisions in these proposals to highlight some of the basic differences among them.

Table 1. Selected Features of Bills in the 115th Congress Providing a Pathway to Lawful Permanent Residence for Unauthorized Childhood Arrivals

		H.R. 1468	S. 1615/H.R. 3440	H.R. 3591
Selected eligibility requirements for conditional permanent resident status	Age at entry	Below age 16	Below age 18	Below age 18
	Period of continuous presence	Continuous physical presence since 1/1/2012	Continuous physical presence since date that is four years before bill's date of enactment	Continuous presence since 12/31/2016
	Type of required activity	Education or employment	Education	None
Number/length of period(s) of conditional status		Two periods of five years each	One period of eight years	One period of eight years
Type of required activity for extension of conditional status/removal of condition on status		Education, military service, or employment	Education, military service, or employment	None

Source: Compiled by CRS.

Notes: Bills are described as introduced in the 115th Congress.

Author Information

Andorra Bruno
Specialist in Immigration Policy

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.